

EXHIBIT A

PATENT APPLICATION
Attorney Ref. No. WIS01-003P

UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT EXAMINATION BRANCH

In re Application of:

Wise, Michael A.

Application No: 09/927,650

Filed: August 10, 2001

For Letters Patent on:

TIE-DOWN SYSTEM AND METHOD

) Examiner: Katcheves, Basil S.
) Art Unit: 3635

) AMENDMENT AND RESPONSE TO FIRST
) OFFICE ACTION

) Dated: October 22, 2002

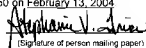
) Due: January 22, 2003

CERTIFICATE OF MAILING

I hereby certify that this paper and the documents referred to herein are being deposited with the United States Postal Service with sufficient postage as first class mail and addressed to the Commissioner for Patents, P.O. BOX 1450, Alexandria, VA 22313-1450 on February 13, 2004.

Stephanie V. Trice

(name of person mailing paper)


(Signature of person mailing paper)

AMENDMENT UNDER 37 CFR 1.115

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action dated August 13, 2003, and pursuant to the telephone conference with the Examiner on January 20, 2003, please amend the above-referenced application as follows:

Amendments to the Specification	<input type="checkbox"/> begin on page ____	<input checked="" type="checkbox"/> None
Amendments to the Claims	<input checked="" type="checkbox"/> begin on page <u>2</u>	<input type="checkbox"/> None
Amendments to the Drawings	<input type="checkbox"/> begin on page ____	<input checked="" type="checkbox"/> None
Remarks and/or Arguments	<input checked="" type="checkbox"/> begin on page <u>7</u>	<input type="checkbox"/> None

IN THE CLAIMS:

The following listing of claims will replace all prior versions, and listings, of claims in the application:

1. (Currently Amended) A tie-down device, comprising
a first member having a bottom panel;
a first extended region emanating from said bottom panel;
an affixing means for attaching said bottom panel to a member received on said bottom panel; ~~and~~

an anchoring means for affixing said first extended region to a structure in a steadfast manner; and

a second extended region emanates from said bottom panel in a direction opposing said first extended region, and a second anchoring means affixing said second extended region to a structure in a steadfast manner.

2. (Currently Cancelled) ~~The device of Claim 1, wherein a second extended region emanates from said bottom panel in a direction opposing said first extended region, and a second anchoring means affixing said second extended region to a structure in a steadfast manner.~~

3. (Currently Amended) The device of Claim 2 1, wherein a first panel emanates from said bottom panel in a substantially perpendicular fashion therefrom; said first panel receiving

said affixing means therethrough, thereby affixing said first panel to said member in a secure manner.

4. (Currently Amended) The device of Claim 2 1, wherein a first panel emanates from said bottom panel in a substantially perpendicular fashion therefrom, and a second panel emanates from said bottom panel in opposing relation to said first panel such that a guide is created therebetween for receiving said member, and at least one of said affixing means attaches said first panel to a first face of said member and at least one of said affixing means attaches said second panel to a second face of said member.

5. The device of Claim 4, wherein said member is a wood beam.

6. The device of Claim 4, wherein said member is selected from a group consisting of a truss and a gable end truss.

7. The device of Claim 4, wherein said affixing means is selected from a group consisting of a nail, a threaded element, a nut and bolt apparatus.

8. The device of Claim 4, wherein said first member is constructed of metal.

9. The device of Claim 4, wherein in combination, said structure is a preform wall containing a curable material, said anchoring means passing through an aperture in each of said first and second extended regions and being received and bound within said curable material.

10. (Currently Cancelled) A tie-down system, comprising:
a second member constructed from a unitary piece of material having a bottom plate;
an extended section emanating from said bottom plate in a substantially similar plane;
an affixing means for attaching said second member to a member resting on said bottom plate; and
an anchoring means for affixing said first extended section to a structure in a steadfast manner.

11. (Currently Cancelled) The system of Claim 10, wherein a first sheet extends in a vertical direction from a first border of said extended section, and a third sheet extends from said first sheet in a perpendicular fashion, said affixing means attaching said third sheet to said member in a secure manner.

12. (Currently Cancelled) The system of Claim 10, further comprising:
a first sheet extends in a vertical direction from a first border of said extended section and
a second sheet extends in a vertical direction from a second border of said extended section;
a third sheet extending from said first sheet in a perpendicular fashion, said affixing means attaching said third sheet to said member in a secure manner;
a fourth sheet extending from said second sheet in a perpendicular fashion, said affixing means attaching said fourth sheet to said member in a secure manner.

13. (Currently Cancelled) The system of Claim 11, wherein at least a hole is defined by

said extended section and receives an elongated portion of said anchoring means therethrough and anchors said second member to said structure in a steadfast manner.

14. (Currently Cancelled) The system of Claim 12, wherein at least a first plate emanates from said bottom plate in a vertical direction and is distal to said extended section such that a first channel is defined by said first plate, said bottom plate, said third sheet and said fourth sheet, and said member being received within said channel.

15. (Currently Cancelled) The system of claim 14, wherein said first plate is connected to said first member by at least one of said affixing means.

16. (Currently Cancelled) The system of claim 14, wherein said structure is a preform wall containing a curable material, said anchoring means passing through said hole is received and bound within said curable material.

17. (Currently Cancelled) The system of claim 14, wherein said second member is constructed of a metal.

18. (Currently Cancelled) The system of claim 14, wherein said member is selected from a group consisting of a truss and a gable end truss.

19. (Currently Amended) A method for attaching trusses to a preform wall structure having an outer wall and an inner wall wherein a curable material is poured therebetween, the

method comprising:

providing a first member of unitary construction having a bottom panel;

providing a first extended region from said bottom panel;

providing a second extended region extending from said bottom panel in an opposite direction to said first extended region;

providing a first panel attached to said bottom panel;

placing said truss upon said bottom panel;

attaching said first panel to said truss with an affixing means;

anchoring said first extended region to said curable material with an anchoring means.

20. The method of claim 19, further comprising the steps of:

defining an aperture within said extended region;

inserting an elongated portion of said anchoring means through said aperture and into said curable material;

engaging a head portion of said anchoring means upon said extended region.

REMARKS

This amendment is responsive to the Office Action dated August 13, 2003. Applicant notes with appreciation the Examiner's courtesy and assistance during the telephone conference of January 20, 2003, pursuant to which instructions the instant amendments and cancellations to the claims are made. Following the instant Amendment, Claims 1-9 and 19-20 are pending in the instant application. Claims 10-18 are hereby cancelled without prejudice to Applicant's filing of a continuation application claiming the subject matter thereof, which the Examiner believed to be a separate invention. Applicant has specifically addressed each and every one of the Office Action's rejections in the amendments and remarks herein. Thus, Applicant respectfully submits that the remaining claims, as amended herewith, are allowable and an early notification of allowance is requested.

This response is being filed within six (6) months from the mailing date of the Office Action and a Petition for an Extension of Time is filed herewith along with the appropriate fee in the accompanying credit card payment form.

I. Claim Rejections – 35 USC §112

The Office Action rejected claims 9, 10 and 16 under 35 USC 112, second paragraph as being indefinite. Claims 10 and 16 have been cancelled and Claim 9 has been amended to claim a combination for the use of the device with the perform wall. Accordingly, Applicant believes that Claim 9 definitely claims the subject matter which Applicant regards as the invention, and withdrawal of the rejection is respectfully requested.

II. Claim Rejections – 35 USC §102

The Office Action rejected **Claims 1-9, 10, 11, 13 and 19** under 35 USC 102(b) as being

anticipated by U.S. Pat. No. 3,000,145 to Fine ("Fine"). Applicant respectfully traverses the rejections and asserts that Claims 1-9, 10, 11, 13 and 19 are novel and patentable in view of the amendments and remarks set forth herein.

Pursuant to the Examiner's recommendation, the limitations of Applicants second extended region have been added to independent claims 1 and 19, which in accordance with the telephone conference with the Examiner, should place the independent claims, and their respective dependent claims in condition for allowance, which action is respectfully requested. Applicant reserves of all his rights to argue the claims to allowance should the claims as amended not be allowed.

III. Claim Rejections – 35 USC §103(a)

The Office Action rejected **Claims 12, 14 and 20** under §103(a) as being unpatentable over Fine. Applicant respectfully traverses the rejection, combination, modification and interpretation of the references.

Claims 12 and 14 are hereby cancelled, thereby rendering the rejection moot. Claim 20 now depends from amended Claim 19, which was amended in accordance with the Examiner's recommendation in order to place the independent claim in condition for allowance. As a result of the novel and unobvious limitation incorporated into Claim 19, and as a result dependent Claim 20, Applicant respectfully asserts that Claim 20 is in condition for allowance, which action is respectfully requested. Applicant reserves of all his rights to argue the claims to allowance should the claims as amended not be allowed.

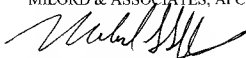
CONCLUSION

It is respectfully submitted that the case is now in condition for allowance, and an early notification of the same is requested. If it is believed that a telephone interview will help further the prosecution of this case, Applicant respectfully requests that the undersigned attorney be

contacted at the listed telephone number.

Respectfully submitted,

MILORD & ASSOCIATES, APC

A handwritten signature in black ink, appearing to read 'Milord A. Keshishian', written over a horizontal line.

Milord A. Keshishian
Registration No. 43,333
10880 Wilshire Boulevard
Suite 2070
Los Angeles, CA 90024
Telephone: (310) 446-8970
Facsimile: (310) 446-8979

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)

Docket Number (Optional)
WIS01-003P

In re Application of Wise

Application Number 09/927,650

Filed 8/10/2001

For Tie-Down System & Method

Group Art Unit 3635

Examiner Katcheves

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.

The requested extension and appropriate non-small-entity fee are as follows (check time period desired):

- ☐ One month (37 CFR 1.17(a)(1)) \$ 950.00
☐ Two months (37 CFR 1.17(a)(2)) \$ _____
☒ Three months (37 CFR 1.17(a)(3)) \$ _____
☐ Four months (37 CFR 1.17(a)(4)) \$ _____
☐ Five months (37 CFR 1.17(a)(5)) \$ _____

☒ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee amount shown above is reduced by one-half, and the resulting fee is: \$ 475.00

☐ A check in the amount of the fee is enclosed.

☒ Payment by credit card. Form PTO-2038 is attached.

☐ The Commissioner has already been authorized to charge fees in this application to a Deposit Account.

☐ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number _____
I have enclosed a duplicate copy of this sheet.

I am the ☐ applicant/inventor


☐ assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

☒ attorney or agent of record.

☐ attorney or agent under 37 CFR 1.34(a).
Registration number if acting under 37 CFR 1.34(a) _____

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

February 13, 2004
Date


Signature

Milord A. Keshishian, Esq.
Typed or printed name

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ Total of 1 forms are submitted.

Burden Hour Statement: This form is estimated to take 0.1 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231